



Tony

Office of the Governor | State of
Wisconsin

April 3, 2019

Alys Brooks
69656-29639105@requests.muckrock.com

Via Electronic Mail Only

Dear Alys Brooks:

This is in response to your February 21, 2019 request for “all emails (direct correspondence only) and letters sent between former Lt. Kleefisch and former Gov. Scott Walker's offices and the Heritage foundation, including all emails from or to @heritage.org addresses and letters to or from the Heritage ... from January 3, 2011 to January 7, 2019.”

Your request is being rejected as both unduly burdensome and lacking specificity. Your request appears to cover any record over an eight-year period for any and all employees of the previous administration, including communication with unnamed and unidentified personnel employed by a large organization. This is an unduly burdensome request. See *State ex rel. Gehl v. Connors*, 2007 WI App 238, 306 Wis. 2d 247, 742 N.W.2d 530. Your request similarly lacks any specificity. You have identified no specific people, only entities, and no subject matter for the requested communications. The public records law requires requests to be reasonably specific as to the subject matter, and a records custodian is not expected to guess what records a requester is seeking. Wis. Stat. § 19.35(1)(h); *Seifert v. School Dist. of Sheboygan Falls*, 2007 WI App 207, ¶ 42, 749 N.W.2d 177. *State ex rel. Gehl v. Connors*, 2007 WI App 238, 306 Wis. 2d 247, 742 N.W.2d 530.

Nonetheless, we did attempt to interpret your request the best I was able to and in consideration of the records I have access to. I searched a grouping of Walker Administration email accounts for communications using the email handle you provided in the date range you provided. This is a grouping of 81 outlook users who the Department of Administration has identified as working for the prior administration at some point. I did not compile this grouping and cannot speak to its comprehensiveness. Similarly, the Office of Lieutenant Governor Mandela Barnes did a search of Lt. Governor Rebecca Kleefisch's email records. I've attached the resulting records.

The personal email addresses and cell phones of employees have been redacted. Wis. Stat. § 19.36(11). Pursuant to the common law balancing test, I have also taken efforts to redact any unpublished personal home addresses or phone numbers. The public interest in this information is outweighed by the public interest in an individual's expectation of privacy, particularly considering the interest in protecting personal information that could lead to identity theft or intrusions on personal safety.

Pursuant to Wis. Stat. § 19.35(4)(b), the decision to deny your request is subject to review by mandamus under Wis. Stat. § 19.37(1), or upon application to the attorney general or to your local district attorney. However, please know that our office is happy to work with you on tailoring requests in order to ensure you get the records that you are searching for.

Sincerely,

Erin Deeley
Assistant Legal Counsel
Office of the Governor